

1873-020 Chancery Causes: John P. Myers & wife &c vs. John H. Pennington &c
Lee Co.

Ely

2 Plats

CA - Estate Dispute
T - Property

To the Worshipful County Court of Lee County, in Chancery sitting, the bill of complaint of John P. Myers and Cynthia S. Myers his wife, and John Z. Ely and Mary P. Ely his wife, infants under twenty one years of age, who sue by Joseph Myers & Andrew J. Ely their next friends, respectfully represents:

That Tobias S. Pennington, formerly of said County, died about the day of , intestate, leaving at his death four children, his heirs at law, to wit, your oratrixes Cynthia S. Myers, and Mary P. Ely, and John H. Pennington and Sarah E. Pennington, all of whom, as well as your orators John P. Myers and John Z. Ely are infants under twenty one years old. The said Tobias owned, at the time of his death, and was possessed of the following tracts of lands, lying & being in the said County of Lee, which descended to his said ^{equally as coparceners} children: 100 acres, on the South side of the Poor Hall ridge, and another tract of 100 acres & a small tract of six acres, lying also on the said ridge, a tract of 300 acres lying on the Little Black Mountain, and tracts of 120 acres, 57½ acres, 140 acres, 45 acres, 16½ acres, 120 acres, also lying of said Little Black Mountain, 41½ acres lying on the North fork of Powell's river, and a tract of 155 acres lying on the Stone Mountain. Nancy Pennington, the wife of the said Tobias, survived him & is still living, and has had her dower in the said lands assigned to her.

The prayer of your orators & oratrixes therefore is, that the said John H. Pennington & Sarah E. Pennington be made parties defendant to this bill, and be required to answer the same truly upon oath; that ^aguardian ad litem be appointed to defend them in this suit; that the said lands be divided between them, allotting to each, both the

female complainants and the defendants, an equal share
thereof, quantity & quality being considered; and that such
other & general relief be afforded them as may consist
with equity and be suited to their case. May it please
your worship to grant the Commonwealth writ of Sp^{eci}
alised &c.

Johnston,

for complainant.

Chicago 190
 Date cl. \$ 0.27
 213 W. 205
 Col. 18.72
 18.72
 2.50
 Col. 5.50
 83.00
 \$ 106.56

1872 Nov Decr Contd
 1873 Jan Contd
 " Feb Mar & April Contd
 " May Contd
 " June Decr Contd

John P. Meyer & wife, &c
 vs. } Bill - Chy.
 John A. & Sarah E. Pinnington

1877 Aug - Bill F. & L. Decker
 + A. B. Decker
 Guard. Ad. L. & M. D. & L. D.
 and Continued
 Sept. Decr. Bill Continued
 + Answer of Guardian as L. & M. D.
 Oct. Continued
 Nov. Continued
 Dec. Continued

1868 Jan - Decree for Partition
 Aug. Decree Continued
 Sept. Continued
 Oct. Cont. Nov. Cont.
 Dec. Cont. 1869 Jan. Cont.
 1869 Feb. Cont. March, April, May
 June, July, Aug. Sept. Oct. Nov.
 & Dec. Continued

1870 Jan. Feb. March, April, May
 June, July, Aug. Sept. Oct. Cont.
 1871 Jan. Feb. March, April, May
 June, July, Aug. & Sept. Contd.
 1872 Jan. Feb. March & April Cont.
 May, June, July, Aug. & Sept.
 Oct. & Nov. Contd.

Hon. Henry J. Morgan, Judge of Lee County Court in
Chancery Sitting: -

The answer of Sarah E. Myers, John Pennington, Amanda Pennington, and Martha Pennington (Infants) by John B. West - their Guardian ad litem to a Bill filed in this Court against said infants, and Lilbourn Myers, Andrew J. Ely and Nancy, his wife, by John Myers & Cynthia his wife (and Geo. J. Ely & Mary, his wife, respectfully represents, That said infants hereby save (and reserve any benefit accruing to them or to which they are entitled by reason of any legal errors or errors otherwise to which they hereby except, (and for answer to said Bill say, that they are young and tender years & hence know nothing of the allegations set forth in the plffs' Bill against them, and crave the protection of their interests by your Honor, ~~according~~ because they are too young to protect themselves, and as it has been the custom of Courts of Equity to guard the interest of infants such as these from the earliest period, your respondent feels assured that your Honor, in conformity to the justice & propriety of said ancient custom, will watch with a vigilant ^{eye} the interests of of these infants. Your respondent has no reason of himself to offer nor have his said wards informed him of anything which would gainsay the statements of the complainants' Bill or interfere with their right to have the lands mentioned in said Bill partitioned amongst the parties therein named according to their respective rights. Your respondent having

now answered as fully as he deems necessary, leaves the
interests of his ward with your Honor & prays that they be
hence dismissed with their costs.

Jno. B. West, Guard. ad litem
for Sarah E. Myers et al.

Sworn to before me this 4th day of Decr. 1871.

James W. Orr, Clerk
Lin County Court.

Sarah E. Myers et al.

ad } Answer of Guardian ad
litem

Jno. Myers & others
1871 Decr. 4th Filed.

To the worshipful County Court of Lee
County in Chancery sitting.

The answer of John A. Pennington and
Sarah E. Pennington infant defendants to
a bill filed in this Court by John P. Myers
& wife and et al against these defendants
by A. L. Pridmore their guardian ad litem.

Respondent saving the benefit of all just
and proper exceptions to said bill.

For answer thereto says that he cannot
gainsay the facts set forth in said bill
nor have his said wards at law informed
him of anything which contradicts the
statements therein. But as they are of tender
years, and not fully competent to understand
their legal rights he throws them for
protection upon this Worshipful Court,
the peculiar guardian of infants. And
asks that the plffs be held to strict
proof of all matters set forth in their
pleadings which might have a tendency
to prejudice these infants.

And having now answered so much
of said bill as it is necessary or material
to answer prays hence to be dismissed,
of costs.

A. L. Pridmore
guardian ad litem

Lee. \$500

Sworn to before me by A. L. Pridmore Guardian ad litem for
the infant defendants therein named

H. F. Morgan, C. C.

A. L. Pridmore
Guardian ad litem

Answer

Oct 1998

John P. Myers & wife et al
Against
John H. & Sarah Pennington } In chq.

This cause came on again this day to be heard upon the papers formerly read in the cause, and was argued by counsel - On consideration whereof, the court is of opinion and doth so adjudge order and decree, that ^{the} costs of this ^{suit} be paid by plffs and defendants in proportion to the interests heretofore assigned each of them - and that the plff recover from the defendants, their due proportion thereof; and when the legally constituted guardian shall pay the infants proportions thereof, the same shall constitute a proper credit for him, in the settlement of his guardianship account - And no further action being necessary this cause is stricken from the docket -

John P. Myers & wife et al

28 } Decree final

John H. & Sarah Pennington

June Term 1873.

Entered order Book page
291.

James W. Orr, clerk.

Enter this decree
June 17th 1873.

Henry J. Morgan

J. R. Myers & wife & al: vs. J. H. & Sarah E. Pennington - Chy.

This cause came on again to be heard upon the papers formerly read, and the report of the Commissioners appointed by a former decree in this cause to make partition of the lands in the bill mentioned between the parties in this cause, & was argued by counsel; and the said report having been filed more than thirty days before this term, and no exception having been taken thereto, the said report is confirmed; It is therefore adjudged, ordered, and decreed, that the said parties have respectively the respective lots assigned to each of them by said Commissioners according to their said report in the two tracts of land therein mentioned, and that each of the parties hold, possess, and enjoy, in severally, free from the claim of the other thereto, their several shares of said lands in said report & the accompanying plat described & shown; and it is further ordered & decreed, that the said plat & report, and this decree, be recorded by the clerk in his Office in the book wherein deeds are recorded; and the cause is continued, as further action may be proper in regard to other lands.

John P. Myer & al

vs $\frac{1}{3}$ Decree

J. H. Pennington & others

Entered order Book page
162.

James W. Orr, Clerk.

Enter this

H. J. Morgan

Nov 23rd 1872

J. P. Myer & wife Val. in. J. H. & S. E. Pennington in Chy.

The Commissioners, appointed by a decree entered in this cause at the January term 1868 of this Court, to make the partition therein decreed of the lands in the bill described, having hitherto failed to make said partition, and Carr Bailey, the surveyor of this County & one of said Commrs. being unable from bad health to perform such duty; by the consent of the parties, it is adjudged, ordered, & decreed, that ~~John~~ John V. Graham, Levi Pennington, & Elijah Pennington be and they are duly substituted for & in the place of the aforesaid Commissioners, and that they without delay proceed to make said partition in the manner directed by said decree, and report their proceedings to the Court at its next term — and this cause is continued.

Myers & wife & al.

W. } Deceit

J. H. & S. E. Pennington

Aug. Term 1868.

Order Book 275

John P. Myers & wife, &c., - vs. John H. & Sarah E. Pennington

This cause came on to be heard this 21st day of January 1868 upon the bill of the Complainants, the answer of the defendants by A. L. Pridemore their Guardian ad litem, and was argued by counsel; Whereupon it is adjudged, ordered, and decreed, that partition of the lands in the bill mentioned, of which Tobias S. Pennington died seized, and situated in Lee County, be made between the ^{female} Complainants & the defendants, the heirs at law of the said Tobias S. Pennington dec'd., and that one equal fourth part thereof, quantity and quality being considered, be laid off and allotted to each one of the said heirs; And it is further ordered & decreed, that Carr Bailey, France Zion, and John Jayne be, and they are hereby, appointed ^{commissioners} to lay off and assign the said lands according to this decree, and make their report thereof, together with a fair plat of the same, to the Court at its next term; Till which time this cause is continued.

John P. Myers & wife & al.

in } Decree for partition

John A. & Sarah E. Pennington

Jan'y term 1868.

Order Book Page 1148

Virginia, Lee County Court:—

At Rules held in the Clerk's Office ^{of the County Court} of Lee County
the 5th. day of August 1867.

John P. Myers and Cynthia A. his wife,
John G. Ely, and Mary P. his wife, in-
fants under the age of 21 years, who
sue by their Joseph Myers and Andrew J
Ely their next friends

Plaintiffs

against

John H and Sarah E. Pennington Defendants

In Chancery.

This day came the plaintiffs, by their Counsel
and filed their bill against the defendants; and the sub-
poena in Chancery issued herein having been returned
executed on each of the said defendants it is ordered
that unless the said defendants shall appear at the next
rules and answer, demur, or plead to the said bill
the same will be taken for confessed, and the ^{matters} ~~points~~
thereof decreed accordingly. And the said defend-
ants being infants under the age of 21 years, On the
motion of the said plaintiffs A. L. Pridemore is ap-
pointed their Guardian ad litem to defend their inter-
ests in this cause, and the cause is continued.

At copy

Lester Henry J. Morgan Clk.

John P. Myers by verbal

as { Decease & order
Appointing Guardian ad litem

John H. Pennington verbal

I accept legal service of the
within Rule - Aug 6th 1867.
A. L. Pridemore

Virginia,

At a County Court continued and held for Lee County, at the Court House thereof, on Tuesday the 21st day of January 1868.

John P. Myers & wife et al. Complainants
against
John H. & Sarah C. Pennington Defendants } In Chancery.

This cause came on to be heard this, 21st day of January 1868 upon the Bill of the Complainants, the answer of the infant defendants by A. S. Pridemore, their Guardian ad litem, and was argued by Counsel; whereupon, it is adjudged, ordered, and decreed that partition of the lands in the Bill mentioned, of which Tobias S. Pennington died seized, and situated in Lee County, be made between the female Complainants and the defendants, the heirs-at-law of the said Tobias S. Pennington dead, and that one equal fourth part thereof, quantity and quality being considered, be laid off and allotted to each one of the said heirs; and it is further ordered and decreed that Carr Bailey, France Zion and John Jayne be and they are hereby appointed Commissioners to lay off and assign the said lands according to this Decree, and make their report thereof, together with a fair plat of the same, to the Court, at its next term, till which time this Cause is continued.

A copy -

Lester Henry J. Morgan Clerk.

John P. Myers wife et al
vs. } Copy of Decree of Court

John H. & Sarah C. Pennington

Executed by delivering an attested
office copy of the within Decree
to Cass Bailey, Francis J. Jones
& John Payne.

March 10th 1868.

Geo W Orr, S L C,

Virginia,

At a Court of Quarter-Sessions continued
and held for Lee County, at the Courthouse thereof,
on Friday, the 21st day of August 1868.

John P. Myers & wife et al

Plffs

against

vs. Wm. W. W. W.

J. H. and Sarah E. Pennington... Defts

The Commissioners appointed by a decree entered
in this Cause, at the January term 1868 of this Court, to
make partition therein decreed of the land in the Bill
described, having hitherto failed to make said parti-
tion, and Carr Bailey - the Surveyor of this County
and one of said Commissioners - being unable from bad
health to perform such duty, by consent of the parties,
it is adjudged, ordered, and decreed that John P.
Graham, Levi Pennington, and Elijah Pennington
be and they are hereby substituted for and in the
place of said Commissioners, and that they, without
delay, make the said partition in the manner di-
rected by the said decree, and report their proceed-
ings to the next Court, and the Cause is contin-
ued.

A copy -

Lester Henry J. Morgan Clk

John P. Myers & ^{associates}

vs. } Copy of Decree.

J. H. and Sarah E. Pennington

I delivered to A. J. Ely 3 copies of
the within decree to be delivered
by him to the Comrs within
named. Aug 27th 1868.

H. J. Morgan, Clk.

John H. Pennington

20 3/4 Comers Reports

Sarah Pennington

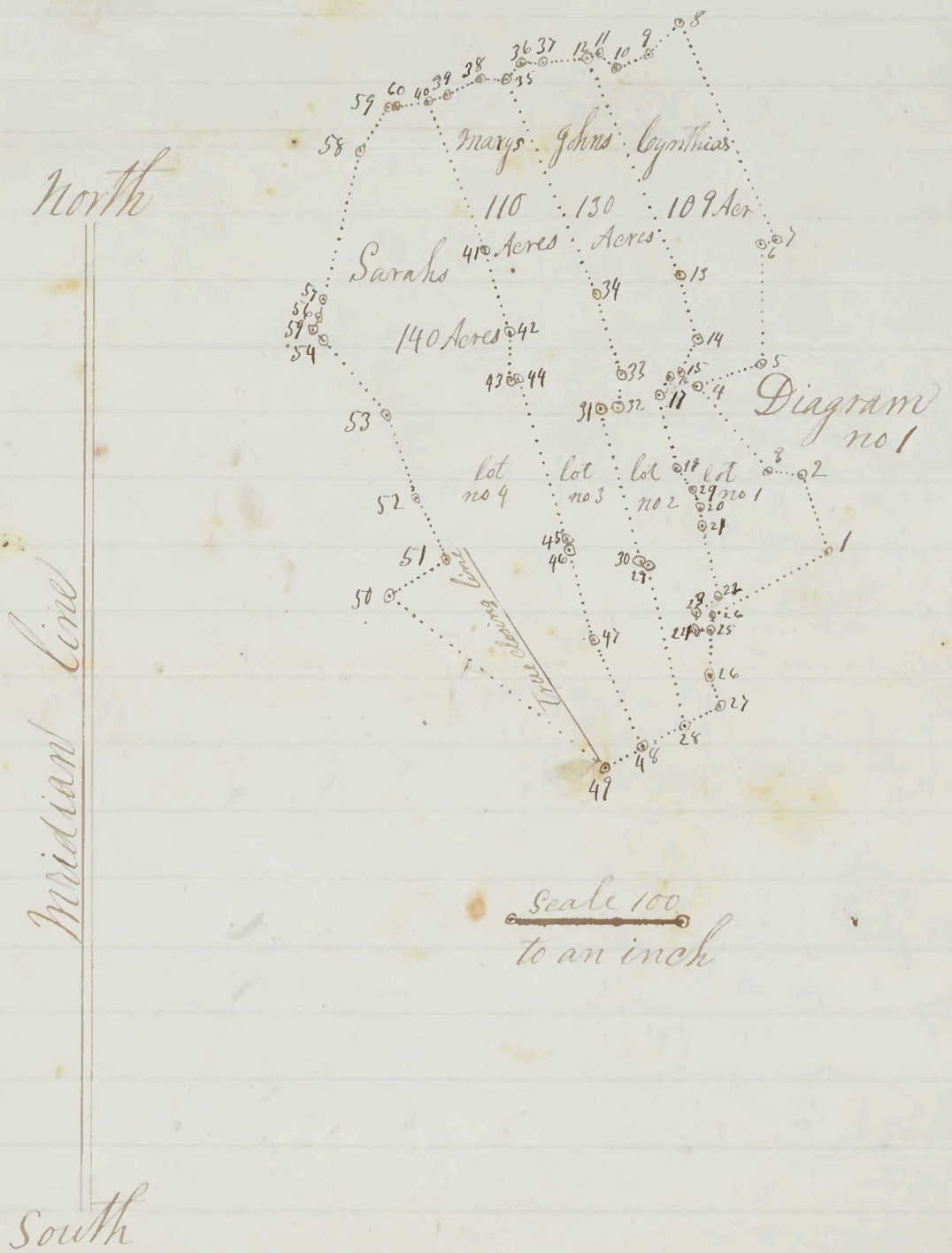
Filed January 18/69

Henry J. Morgan & Co.

Recorded in Deed Book

Vol. 18. Pages 5, 12, 13, 14, 15 &

16, & 17. R. W. Orr Jr. D. C.



We the undersigned commissioners were appointed by
the County Court of Lee to lay off and assign
to each of the heirs of J. S. Pennington deceased
one equal fourth in value of the lands of which the
Late Tobias S. Pennington died seized; after the widows
dower having been laid off in such lands we pursuant
to said order went upon the Land in the month of
September 1868 and Surveyed one tract and in month of
January 1869 and Surveyed another and report

We assign to Cynthia Myers formerly Cynthia Pennington
one tract lying on the waters of the north fork of Powells river
bounded as follows and known as lot No 1st in the home
tract To wit Beginning at white Oak & ash on a spur
of the poor Valley ridge corner to a lot laid off to Mrs
Hughes heirs thence N 18^W 48 Poles to two chestnut Oaks N 85
W 21 Poles to chestnut Oak Gum & Maple N 38 W 65 Poles to
two double beeches Cucumber & Black Oak on top of the poor
Valley ridge N 70 E 38 Poles to Hiram Elys corner thence
due N 70 Poles with said Elys line to a beech at the foot
of the mountain N 72¹/₂ E 7 Poles to two beeches on the bank
of blue Spring branch N 23 W 140 Poles to a Hickory and
Black Oak on the top of the Stone Mountain at blue
Spring Gap then with the Top of said mountain S 41 W 27
Poles to a stake S 65¹/₂ W 20 Poles to a stake N 48¹/₂ W 14 Poles
to chestnut maple and Dogwood on top of said mountain
S 64¹/₂ W 6 Poles to Stake then leaving top of said mountain
S 23 E 140 Poles to White Oak at the foot of the mountain then
crossing the poor Valley S 16 E 39 Poles to a maple on the north
side of the poor Valley ridge S 28 W 22 Poles to spotted Oak
S 70¹/₂ W 6 Poles to two black Oaks & ^{Sourwood} ~~Black Oak~~ S 32 W 13 Poles to Gum on

The top of the Poor Valley Ridge S 24 E 38 Poles to stake
in hollow S 35 E 15 Poles to small Sycamore near small
branch S 22 E 12 Poles to small Hickory near said branch
S 5 E 9 Poles to Hickory S 13 E 44 Poles to stake near said
branch S 59 E 16 Poles to an apple tree S 4 E 10 Poles to an
apple tree near the head of a spring S 86 E 9 Poles to a stake
in a line of Hiram Elys and with a line of the same N
1 E 7 Poles to a stump not far from a house N 60 E 16 Poles
to the beginning; this lot contains by survey 109 Acres more
or less and shown on Diagram No 1 in this report marked
1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26.

We assign another lot of the the same tract lying adjoining
the above mentioned tract known as lot No 2 to John H Penn-
ington & bounded as follows to wit Beginning at a buckeye
corner to Hiram Elys land N 15 W 18 Poles stake N 1 E 28 ^{28 3/4}
Poles to stake corner to Cynthia Myers lot N 86 E 9 Poles to
an apple tree near the head of a spring N 4 E 10 Poles to
an apple tree N 59 E 16 Poles to a stake near small branch
N 13 E 44 Poles to a small Hickory near a branch N 5 E 9 Poles to
hickory N 22 E 12 Poles to Sycamore N 35 E 15 Poles to stake
in hollow N 24 W 38 Poles to sum on top of the Poor Valley
Ridge N 32 E 13 Poles to two small black oaks & sourwood N 70 E
6 Poles to Spotted Oak N 28 E 22 Poles to maple on north
side of the ridge N 16 W 39 Poles to white Oak at foot of mountain
thence N 23 W 140 Poles to stake on top of the stone Mountain
S 86 W with top of said Mountain 26 Poles to a rock S 58 E 13
Poles to a stake S 42 W 13 Poles to a stake on top of said mountain
thence leaving top of said mountain S 23 E 140 Poles to a Poplar
at the foot of said mountain S 17 E 50 Poles crossing Poor Valley

to Chestnut Oak on the north side of Poor Valley Ridge S 6 W
20 Poles to Chestnut Oak & Sourwood on top of the Poor Valley Ridge
S 86 W 10 Poles to Gum on top of said ridge S 15 E 94 Poles to a beech
S 60 E 3 Poles to an Ash S 13 E 77 Poles to a stake in Hiram Elys
line and with a line of the same N 61 E 25 Poles to The Beginning
This lot contains by Survey 130 Acres more or less as shown in
diagram no 1 of this report lot no 2 marked 12. 13. 14. 15. 16. 17. 18.
19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. ³⁶ 36. 37.

We also assign another lot of the same tract known as lot no 3
and lying adjoining the last described lot to Mary P. Ely
formerly Mary P. Pennington and bounded as follows to wit
Beginning at a stake in Hiram ^{lives} Elys & corner to John H.
Penningtons lot and with a line thereof N 13 W 77 Poles to an
^{ash} N 60 W 3 Poles to a beech N 15 W 94 Poles to a Gum on
the top of the poor Valley ridge N 86 E 10 Poles to a chestnut Oak
and Sourwood on the top of said Ridge N 6 E 20 Poles to a chest-
nut oak on the north side of the Poor Valley Ridge N 17 W
50 Poles crossing poor Valley to a Poplar at the foot of the
mountain N 23 W 140 Poles to the top of said stone mountain
at a stake and along top of said mountain N 83 W 14 Poles
to stake on top of the mountain at the Hoover Rock S 61 1/2
W 22 Poles to stake S 74 1/2 W 12 Poles to stake Then leaving the
top of said mountain S 23 E 95 Poles to a chestnut on the foot
of said mountain S 17 1/2 E 50 Poles to two small Black Oaks
on the north side of the Poor Valley Ridge near a fence thence
due S 27 Poles to a maple & service on the top of the Poor Valley
Ridge N 73 E 1 Pole to small sourwood S 17 E 77 Poles to a small
chestnut near the head of a spring S 15 E 5 Poles to a stake in
a small branch S 15 ~~W~~ W 30 Poles to a white oak S 24 E

70 $\frac{1}{4}$ Poles to a stake in Hiram Elys line and with the same
N 61 E 27 Poles to the Beginning This lot contains 110 Acres
by survey more or less as shown by Diagram No 1 in this report
and marked ~~28~~ 28. 29. 30. 31. 32. 33. 34. 35. ~~36. 37.~~ 38. 39. 40. 41. 42. 43. 44. 45.
46. 47. 48. 28.

We also assign another lot of the same tract lying adjoining Mary P. ^{Elys} ~~xxxxxx~~ lot ^{to Sarah E Pennington} and known as lot no 4 & bounded as follows to wit Beginning at a stake on Hiram Elys line corner to Mary P. Elys lot and with a line of the same ^{N 24 W 70 1/4} Poles to a white oak N 15 E 30 Poles to a stake in a small branch N 15 W 5 Poles to a small chestnut near the head of a spring dividing said spring & branch from stake to said chestnut N 17 W 99 Poles to a small sourwood on the top of the poor Valley Ridge S 73 W 1 Pole to maple & Service Then leaving top of said ridge due North 27 Poles to two small black oaks on the north side of said ridge near a fence N 17 1/2 W crossing poor Valley 50 Poles to a chestnut at the foot of the stone mountain N 23 W 95 Poles to ~~the top~~ ^{the top} of said Mountain S 82 1/2 W 20 Poles to stake S 86 W 4 Poles to three chestnuts on top of said Mountain then leaving top of said Mountain S 32 W 30 Poles to stake in hollow S 14 1/2 W 68 Poles to stake S 10 1/2 W 11 Poles to stake S 28 W 6 Poles to stake S 41 E 8 Poles to stake S 52 1/2 E 10 Poles to stake S 35 E 14 Poles to stake S 52 1/2 E 6 Poles to stake S 38 E 8 Poles to ~~stake~~ Water oak & fallen beech in poor Valley S 40 E 57 Poles to Pine Stump two Chestnut Oaks & Gum on top of the poor valley ridge S 18 E 51 Poles to three chestnut Oaks near top of spur S 26 E 41 Poles to stake in the Meredie line and with the same S 66 1/2 W 40 Poles to Nancy Penningtons corner ~~W~~ to her 37 Acre lot then leaving the Meredie line running with

said Nancy Penningtons line S 29 E 92 Poles to a rock on
Hiram Elys line & corner to Nancy Penningtons lot and with said
Elys line N 61 E 25 Poles to the beginning containing by survey 140
Acres more or less & marked on Diagram no 1 in this report by
figures 48-47.46.45.44.43.42.41.40.60.59.58.57.56.55.54.53.52.51.50.49.

^{Partition}
We have made of a second tract lying on waters of Baileys
trace branch & on the black mountain as follows we assign
to Mary P. Cly formerly Mary P. Pennington one lot ~~as follows~~
bounded as follows to wit ~~Beginning~~ Beginning at a beech (now fallen
and another small beech & Gum marked very near the same
point) on the bank of the Baileys trace branch a corner of
the Meredie Survey & with a line of the same N 46 W 180
Poles to a large chestnut Oak & small locust near the top
of the Brier ridge N 5 1/2 W along the top of ~~said~~ said ridge
68 Poles to a spotted Oak & tripple Chestnut on top of said
ridge then leaving top & down a spur of said ridge S 36 1/2
W 24 Poles to a white Oak S 43 1/2 W 43 Poles to a stake in a
fence then making the fence & top of said spur as they
meander the line S 56 1/2 W 10 Poles to a stake S 35 W 21
Poles to stake S 51 W 13 Poles to a white Oak near the end
of said fence an old marked corner thence Due West with
an old marked line 22 Poles to a Maple & Black Oak on
top of a spur S 51 W along said spur or ridge 63 Poles to
chestnut & black Oak on the west side of a steep Hillside
S 20 E 81 Poles to the beginning this lot is known as lot
no 1 by Diagram no 2 in this report & marked 1. 2. 3. 4. 5. 6. 7. 8.
9. 10. 11. containing by Survey 79 Acres

We assign another lot of the same tract lying adjoining the
above described lot known as lot no 2 in the second Diagram
of this report ~~xxxxxx~~ to Cynthia Myers formerly Cynthia
Pennington and bounded as follows to wit Beginning at a black
Oak and chestnut on a steep Hillside ~~Corner~~ Corner to Mary
P. Penningtons lot and with a line thereof N 51 E 63 Poles to
Maple & black oak on top of a ridge thence Due East with

an old marked line 22 Poles to a white Oak an old marked
corner N 51 E 13 Poles to a stake N 35 E 21 Poles to stake N 56 1/2 E
10 Poles to a stake in a fence N 43 1/2 E 43 Poles to a white oak N 36 1/2
E 24 Poles to spotted Oak & tripple chestnut on top of the Brier
Ridge and with the top of said Ridge N 5 1/2 W 9 Poles to two
chestnut Oaks & cucumber on top of said ridge a corner to
J.S. Penningtons 120 Acre Survey N 44 1/2 W with the top of said
ridge 56 Poles to three chestnut Oaks a corner to Nancy Penningtons
Dower S 73 1/2 W 12 Poles to a Hickory chestnut Oak & three chestnuts
S 44 W 26 Poles to four chestnut Oaks S 51 W 16 Poles to stake S 40
W 4 Poles to a beech S 22 W 76 Poles making the top of the
ridge and fence as they meander; the line to two small
black Oaks near the end of said fence N 69 W 16 Poles to
chestnut & Maple on another spur then leaving the lines of said
Penningtons Dower S 32 W 50 Poles to chestnut & Maple corner
to Amanda & Martha Penningtons land thence S 20 E 19 Poles
to the beginning containing by survey 67 Acres & marked 3. 4.
5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 3.

We also assign another lot of the same tract lying
adjoining the two first described lots & known as lot no 3
in second Diagram of this report & bounded as follows
to John H. Pennington to wit ~~Beginning~~ Beginning at a
beech on bank of Baileys trace branch the beginning
corner to Mary P. ~~xxxxxx~~ Cly's lot thence N 20 W 100
Poles to Maple & Chestnut corner to Amanda & Martha
Penningtons land and with a line thereof N 50 W 185
Poles to a small chestnut Dogwood & Hickory thence Due
South down a spur & with the top of the same 20 Poles
to a chestnut S 13 1/2 E 20 Poles to a stake S 3 E 33 Poles

to a chestnut S 15 E 18 Poles to a buck at the mouth of a small branch where it empties into the Bailey trace branch S 20 E 12 Poles to a chestnut on the bank of said branch S 41 E 31 Poles to two sugar trees near the mouth of a Hollow S 47 W up said Hollow 15 Poles to a stake in the outside line in said Hollow S 46 E 33 Poles to a chestnut oak on the top of a spur S 88 E 40 Poles to a stake & White Oak in a little flat S 37 1/2 E 101 Poles to three black oaks sourwood & double chestnut on the top of a ridge corner to the Fields Survey and with a line of the same N 51 1/2 E 39 Poles to the Beginning this lot contains 99 Acres by survey and is ^{marked} in diagram 1. 11. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 1.

We assign another lot of the same tract known as lot no 4 in diagram no 2 of this report to Sarah E Pennington and bounded as follows to wit ~~Beginning~~ ^{to} Beginning at a small chestnut dogwood & Hickory a corner John H Penningtons lot N 50 W 187 Poles to an Oak & Birch on top of the Black mountain at the Kentucky line and with top of said mountain S 63 W 20 Poles to a stake S 33 W 14 Poles to a stake S 28 W 46 Poles to Joseph Elys corner then leaving the top of said mountain with Elys line S 58 E 140 Poles to two beeches Maple & Birch on point of a spur of said mountain S 25 E 22 Poles to beech Sourwood & Service S 20 W 10 Poles to beech chestnut & sourwood at the forks of the creek S 46 E 123 Poles to a stake in a hollow corner to John H Penningtons lot and with a line of the same N 47 E 15 Poles to two sugar trees near the mouth of said hollow N 41 W 21 Poles to a chestnut N 20 W 12 Poles to a beech

at the forks of the creek N 15 W 18 Poles to a chestnut N 2 W 33 Poles to stake N 13 1/2 W 20 Poles to a chestnut due north 20 Pole to the beginning This tract contains by survey 195 Acres & marked 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 2.

Respectfully submitted January 16th 1869

John P. Graham } Com-
Levi Pennington } mis-
Elijah Pennington } ioners

Bill of expenses

| | | |
|-------------------|---|--------------|
| John P. Graham | 7 1/2 days as com & sur | \$ 15.00 |
| Same | 4 days making ^{report} plat & ff | 8.00 |
| Levi Pennington | 7 1/2 days as com | \$ 15.00 |
| Elijah Pennington | 7 1/2 days as com | \$ 15.00 |
| | | <u>53.00</u> |

To the worshipful Court of Lee County we the undersigned beg leave to report further in reference to the lands owned by the ^{late} Tobias S. Pennington Deceased we find that the ^{said} Pennington did own other ~~land~~ tracts or interest in tracts of land at the time of his death ^{aside from those partitioned by us} but they are encumbered in such way that we cannot partition them untill further action in this Court that is to say that he T.S. Pennington and Joseph N Ely own one tract in partnership which has never been divided between them also he T.S. Pennington has an interest in some lands in the Meredie survey that his father ^{Thomas Pennington} left to his children & widow at the time of his death & there being at that time a dispute as to the title to said land; still having been brought the partition ~~area~~ of said land was delayed for a hearing of the cause the cause has since been decided in favor of Penningtons now it appears that the widow of Thomas Pennington has had her dower assigned to her and T.S. Pennington being a son of said Thomas Pennington with five others he making the sixth & having purchased the undivided interests of three other heirs of Lawful age to sell there yet remains the two minor heirs ^{of said Thomas Pennington} Amanda & Martha Pennington to share their interest in said Meredie lands now it seems to us to us that it is necessary that the court order partition of the tract in partnership between Joseph Ely & T.S. Pennington and also ~~of~~ make order to lay off & assign to Amanda & Martha Pennington their interest in said Meredie lands and next order the Dower interest ~~in~~ in each of said tracts which go to the widow of T.S. Pennington laid off & assigned to her before we can proceed to finish

the labor imposed on us by a former order of this
Court

Respectfully Submitted

January 16th 1869

John B. Graham

Levi Pennington

Elijah Pennington

{ Commis-
sioners

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

*John H. Pennington and Sarah Pennington
children and heirs of Tobias S. Pennington deceased*

to appear before the Justices of our County Court for Lee county, at the Court House, in the Clerk's office, at Rules to
be holden for the said Court, on the *first* Monday in *August* next, to answer a bill in Chancery
exhibited in our said Court, against *them* by *John P. Myers and*

*Lynethia S. his wife, John F. Ely. and Mary P. his wife, infants
under the age of 21 years who sue by Joseph Myers and Andrew
J. Ely their next friends*

And have then there this writ. Witness, HENRY J. MORGAN Clerk, of our said Court, at the Court House,
this *16th* day of *July*, 1867, in the *92nd* year of the Commonwealth.

Henry J. Morgan Clerk.

65
John P. Myeroral

as 3 Spain City

John H. Pennington tal

Aug. Rules 1867

Executed on John H. Pen-
nington & Sarah E. Penning-
ton.

July 30th 1864.

James Worr, S. L. C.